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May 24, 2024

The Honorable Charles R. Eskridge
c.o Jenelle Gonzalez, Case Manager
Via email: Jenelle_Gonzalez@txs.uscourts.gov
515 Rusk
Houston, Texas 77002

*Re: Civ. No. 4:21-cv-02698; Clingman & Hanger Management Associates, LLC
v. Kay Rieck et al.; U.S. District Court – Southern District of Texas
And, the plaintiff's proposal for a Fourth Amended Scheduling Order and
failure to provide the partial settlement documents*

Dear Judge Eskridge,

This letter is written in accordance with your local rules, to make a serious attempt to resolve a discovery and scheduling dispute with the plaintiff, on behalf of defendant Hord. We seek no fees and are not attempting to quash a deposition. Further, as to this disagreement, I as lead counsel for Mr. Hord have communicated both in writing *See Exhibit A* and telephonically *See Exhibit B* person to person and eyeball to eyeball with Mr. Corn, lead counsel for plaintiff.

I have received a request from the plaintiff to re-open the long since expired and closed dates for discovery and expert designations in this case. We object.

Additionally, we have requested, on numerous occasions since last summer, in direct phone calls and in writing the partial settlement documents and still are stone walled by the plaintiff.

Plaintiff files suit and wastes time

The plaintiff waited until the last moment to file suit and now, has had over 3 years to designate experts. The plaintiff has failed to follow the federal rules that govern time sensitive designations and has requested and received numerous extensions of the original Scheduling Order and its three amendments. All these deadlines have fallen on plaintiff's deaf ears. I see no standstill order and further have designated my experts. Accordingly, such inaction by the plaintiff has violated both the spirit and letter of the law, all to the defendants' detriment.

Galveston Office
2116 Church Street, Galveston, Texas

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The plaintiff is not suing Mr. Hord for conspiracy yet has failed or refused to take Mr. Hord's deposition

In the past I offered the plaintiff deposition dates so the suit could proceed in an orderly and timely basis. And again, the plaintiff sat on its hands.

Defendant Hord is ready to go to trial

Accordingly, we strongly object to the plaintiff's dilatory actions and further object to the plaintiff's continued delay and request for the court to allow long overdue depositions and other forms of discovery. I am ready to go forward to trial today and the plaintiff should be also.

To agree to these delaying tactics would be adverse to my client and all defendants' interests and fly in the face of the orderly ends of justice.

Should the plaintiff and other defendants wish to participate in prolonged litigation, go ahead, but please sever my client and we can go to trial tomorrow.

Moreover, to give the plaintiff, a trust of all things, another bite at the apple would abrogate Mr. Hord's entitlement to clear his name (recall, the plaintiff has accused him of fraud) in an orderly and timely procedure.

Where are the partial settlement documents

Lastly, we requested last summer and during the fall and again, in February, and later this spring, a copy of the partial settlement documents, including the amount of settlement to parties in the above captioned matters.

Thank you for your attention to this matter.

Best regards,

/s/ J. Marcus Hill

J. Marcus Hill, Lead Counsel
for Defendant Hord

Cc: All counsel

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